

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

**v.**

**ADAM NETTINA**

**CASE NO: GLR-23-134**

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**GOVERNMENT’S SENTENCING MEMORANDUM IN SUPPORT OF A SENTENCE  
OF 4 YEARS’ IMPRISONMENT FOR ADAM NETTINA**

*“We’ll cut your throats. We’ll put a bullet in your head. We’re not going to give a fuck.  
You started this bullshit. You’re going to kill us? We’re going to kill you ten times more  
in full.”*

— Adam Nettina, March 28, 2023

*“Cubt ass bitch baby killer. I hope you get killed on a Kar accident with your shut cunt wife  
Fuck you you little bitch  
Better watch out  
Baby killing terrorroist. Enjoy hell  
You’re going sooner than you think.”*

— Adam Nettina, November 8, 2022

*“The delegate is a terrorist. You are a terrorist.  
You deserve to be shot and hung in the streets.  
You want to come after people? Let’s go bitch.”*

— Adam Nettina, October 15, 2022

The defendant left voicemails threatening to kill members of an LGBTQ advocacy group, and he threatened two state delegates who have expressed support for the transgender community. These threats are just one piece of the defendant’s history of threatening to strike back against those on the opposing side in a perceived war against him and other white Christian men and to kill “liberals and faggots” before killing himself. For the reasons that follow, the defendant should be sentenced to a term of 4 years’ imprisonment, followed by 3 years of supervised release, and mental health treatment.

**I. PROCEDURAL BACKGROUND**

On April 3, 2023, the defendant was charged by complaint with one count of using a telephone to threaten a group that advocates for LGBTQ individuals in violation of Title 18 United States Code, Section 875(c). On April 12, 2023, the defendant was charged by indictment with the same count. The grand jury issued a special finding in the indictment that the defendant intentionally selected his victims because of the actual and perceived gender, gender identity, and sexual orientation of the people who work at and are assisted by the LGBTQ advocacy group.

On August 30, 2023, the defendant pleaded guilty to the one-count indictment. The defendant has been detained since his initial appearance on April 3, 2023. Sentencing in this case is currently set for November 3, 2023.

**II. FACTUAL BACKGROUND**

The defendant admitted that the following facts are true and accurate, and that if this matter had gone to trial, the government would have proven the following facts beyond a reasonable doubt:

Adam Michael Nettina (“Nettina”), age 34, is a resident of West Friendship, Maryland. As described below, on March 28, 2023, Nettina used a mobile phone and the internet to transmit a threat to injure individuals. Nettina targeted the victims because of their support for lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals, rights, and causes.

**Threat to Advocacy Organization (Count One)**

On March 28, 2023, Nettina transmitted a true threat in interstate commerce. In particular, Nettina used his cellular telephone to place a call from his workplace in Maryland to the Washington, DC offices of an LGBTQ advocacy group and political lobbying organization. Nettina left a voicemail threatening to kill LGBTQ individuals. The voicemail was, in part, in reaction to a school shooting that had occurred the day before in Nashville, Tennessee, in which an individual who was subsequently identified in the press as being transgender entered a Christian elementary school with multiple guns and shot and killed three children and three adults. Nettina, angry about the violence carried out by a transgender shooter, left the voicemail the following day.

Before leaving the voicemail that is the subject of the indictment, Nettina called the organization and left the following voicemail at 11:17 pm:

*Yeah, so you fucking think you can come and up and show up at our schools, kill little kids, and fucking just ignore it? Why don't you show up at my house I'll put a bullet in your head. You come and try it. You come and try it. You fucking take a shot at our kids, I will fucking cut your head off you piece of fucking shit.*

At 11:21pm, Nettina left the following voicemail:

*You guys going to shoot up our schools now? Is that how it's going to be? You just gonna to kill little kids. You're just going to slaughter fucking little kids. Let me tell you something, we're waiting, we're waiting. And if you want a war, we'll have a war. And we'll fucking slaughter you back. We'll cut your throats. We'll put a bullet in your head. We're not going to give a fuck. You started this bullshit. You're going to kill us? We're going to kill you ten times more in full.*

Nettina left this voicemail for the purpose of issuing a threat and with the knowledge that the voicemail would be viewed as a threat. Nettina intentionally selected the advocacy organization as a target of his message because of the actual and perceived gender, gender identity, and sexual orientation of the people who work at and are assisted by the organization.

Additional Messages Sent by Nettina:

**Messages to a Maryland State Delegate (Government Contends Group Two)**

On March 31, 2022, a Maryland State Delegate posted on social media: "I'm sending my love and support to all my trans friends on this #TransDayOfVisibility. You are seen, you are valid, and you are loved. Don't let anyone ever tell you differently!"

Nettina sent the delegate a Facebook message later that same day. The message stated:

*FYI—I've begun the formal process of getting you excommunicated. If you're going to go to war against the Church in the policies you support, which you clearly do, I'm going to make sure you are NEVER welcomed with open arms in another Catholic Church again.*

On November 8, 2022, the evening that the delegate was elected to the Maryland House of Delegates, Nettina transmitted a communication in interstate

commerce. In particular, Nettina used the internet to send the delegate the following Facebook messages<sup>1</sup> at 11:39 p.m.:

*Cubt ass bitch baby killer. I hope you get killed on a Kar accident with your shut cunt wife*

*Fuck you you little bitch*

*Better watch out*

*Baby killing terrroist. Enjoy hell*

*You're going sooner than you think*

**Email to a Virginia State Delegate (Government Contends Group Three)**

On October 13, 2022, an online news story was published about an interview a Virginia State Delegate gave in which she advocated for the prevention of abuse towards transgender children.

Two days later, on October 15, 2022, at 3:38 p.m., Nettina used the internet to send the following email<sup>2</sup> in interstate commerce to the delegate's press email account:

*The delegate is a terrorist. You are a terrorist.*

*You deserve to be shot and hung in the streets.*

*You want to come after people? Let's go bitch.*

Providing additional context for the above, Nettina sent the following email to another email of the delegate two minutes later:

*Terrorist bitch.*

*You want to come after people you extremist cunts?*

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<sup>1</sup> The government submits that the facts establish that Nettina sent the messages for the purpose of issuing a threat or with knowledge that the messages would be viewed as a threat, and that Nettina intentionally selected the delegate as the target recipient of his message because of the actual and perceived gender, gender identity, and sexual orientation of the people and constituents for whom the delegate has expressed support.

<sup>2</sup> The government submits that the facts establish that Nettina sent the email for the purpose of issuing a threat or with knowledge that the email would be viewed as a threat, and that Nettina intentionally selected the delegate as the target recipient of his message because of the actual and perceived gender, gender identity, and sexual orientation of the people and constituents for whom the delegate has expressed support.

*Your faggot ass campaign staff is welcome to try.*

Nettina intentionally selected the delegate and her campaign staff as the recipient of his email because of the actual and perceived gender, gender identity, and sexual orientation of the people and constituents for whom the delegate has expressed support.

Plea Agreement, ECF 29 at Attachment A; *see id.* at p.5 ¶ 7.b. (“The Defendant does not dispute the stipulated facts attached as Attachment A; rather, the Defendant disputes that these facts establish violations of 18 U.S.C. § 875(c).”).

The defendant grew up in Maryland; attended college in Idaho; and worked for a political direct-mail fundraising organization in Virginia. In November 2022, after breaking up with his now-current-girlfriend, the defendant quit his \$90,000/year job and moved back to his childhood home in Maryland with his parents. At the time of his arrest in April 2023, the defendant was living in his childhood home and working in a cigar bar in Maryland.

FBI agents arrested the defendant on March 31, 2023, at his place of employment in Eldersburg, Maryland. Inside the defendant’s backpack, investigators found a 9mm caliber handgun, as well as two magazines loaded with a total of 24 rounds of ammunition. During the search of the defendant’s residence that evening, investigators located an assault rifle, along with a magazine loaded with 15 rounds, and another 140 rounds of ammunition in his bedroom. The defendant also had two more AK47 assault rifles, along with 16 rounds of ammunition, in a storage unit in Virginia. The defendant also owned another handgun, which was located at his father’s residence, where the defendant was living.

### **III. PLEA AGREEMENT AND PRESENTENCE REPORT**

The parties have reserved the right to advocate for a reasonable sentence considering any appropriate factors under 18 U.S.C. § 3553(a). ECF 29 at p.7 ¶ 11. Both the government and Probation, through the Presentence Report (PSR), submit that the defendant’s guidelines range

after factoring in acceptance of responsibility is 18-24 months' imprisonment. ECF 29 at p.5-6; ECF 33 at p.14 ¶ 94.

**a. The defendant intentionally selected his victims because of actual or perceived gender, gender identity, or sexual orientation.**

As to Count One, the parties agree that the base offense level is 12 and that a 3-level increase is warranted under U.S.S.G. § 3A1.1(a) because the defendant intentionally selected the victim(s) of his threat as the object of the offense because of the actual or perceived gender, gender identity, or sexual orientation of any person. ECF 29 at p.5 ¶ 6.b. The PSR likewise factors in the 3-level increase under U.S.S.G. § 3A1.1(a), provided the Court makes the requisite determination at sentencing. ECF 33 at p.7 ¶ 26.

“[I]n the case of a plea of guilty,” the 3-level increase applies where “the court at sentencing determines beyond a reasonable doubt that the defendant intentionally selected any victim . . . as the object of the offense of conviction because of the actual or perceived . . . gender, gender identity . . . or sexual orientation of any person.” U.S.S.G. § 3A1.1(a). Here, the defendant’s admission and the facts stipulated in the plea agreement—the defendant’s repeated calls to the LGBTQ advocacy organization and his threats to “kill [them] ten times more in full” the day after the Nashville shooting—establish that he intentionally selected his victims because of gender, gender identity, or sexual orientation, and the 3-level increase is warranted.

**b. The defendant’s communications to two state delegates constitute two additional violations of 18 U.S.C. § 875(c).**

The government contends, ECF 29 at p.5 ¶ 7, and the PSR likewise submits, ECF 33 at p.9 ¶ 44, that an additional 3-level increase is warranted under U.S.S.G. § 3D1.4A based on the defendant’s commission of two additional offenses under 18 U.S.C. § 875(c). The defendant agrees to the underlying facts of the two offenses set out above; he disagrees that those facts

establish violations of 18 U.S.C. § 875(c). ECF 33 at p.5 ¶ 7.b.

The stipulated facts establish that the defendant’s messages to the two state delegates constitute two additional violations of 18 U.S.C. § 875(c). The elements of Section 875(c) are: “(1) that the defendant knowingly transmitted a communication in interstate or foreign commerce; (2) that the defendant subjectively intended the communication as a threat; and (3) that the content of the communication contained a ‘true threat’ to . . . injure.” *United States v. White*, 810 F.3d 212, 220-21 (4th Cir. 2016). Here, the facts also establish that the defendant intentionally selected the delegates as his victims because of the gender, gender identity, and sexual orientation of the people and constituents for whom the delegates have expressed support.

First, the defendant has admitted that he sent via interstate commerce the above-described Facebook messages to the Maryland state delegate and emails to the Virginia state delegate. *Cf. United States v. Betts*, 509 F. Supp. 3d 1053, 1064 (C.D. Ill. 2020) (“Defendant used his cellular telephone and the internet, which are instrumentalities of interstate commerce, to post the Facebook message, flyer, and video.”); *United States v. Kaye*, 451 F. Supp. 2d 775, 782 (E.D. Va. 2006) (“Defendant admitted that he communicated . . . using email and Internet instant messaging. Therefore, Defendant used a facility of interstate commerce. . . .”).

Second, the stipulated facts establish that the defendant “transmitted the communication[s] ‘for the purpose of issuing a threat, or with knowledge that the communication[s] w[ould] be viewed as a threat.’” *White*, 810 F.3d at 221 (citing *Elonis v. United States*, 575 U.S. 723, 740 (2015)). The defendant’s own words—to the Maryland state delegate, “better watch out . . . enjoy hell[,] you’re going sooner than you think”; and to the Virginia state delegate, “You are a terrorist. You deserve to be shot and hung in the streets. . . . Let’s go bitch”—and the targeting of those words to specific delegate recipients establish knowledge that such words would be viewed as a

threat. *Cf. United States v. Bly*, 510 F.3d 453 (4th Cir. 2007) (concluding that defendant's communications to the university where he had failed, including "[b]ullets are far cheaper and much more decisive" and "if this remains class warfare, I will assure you tragic consequences," constituted true threats, particularly where his letters were addressed "to specific individuals," his words "were only grammatically conditional," and his words left "the reader . . . unsure [as to] what measure of justice would appease [him]") (internal alterations and quotation marks omitted).

Likewise, the messages contained "true threats" to injure. "[T]o establish the third element, in keeping with our prior cases, the prosecution must show that an ordinary, reasonable recipient who is familiar with the context in which the statement is made would interpret it as a serious expression of an intent to do harm." *White*, 810 F.3d at 221. An ordinary, reasonable recipient would interpret the in-context statements "you're going [to hell] sooner than you think," and "you are a terrorist [who] deserve[s] to be shot and hung in the streets[,] let's go bitch" as serious expressions of intent to harm.

The defendant may argue that his statements to the Maryland delegate do not constitute true threats because he knew the delegate from high school and they have a history of disagreeing. If anything, this fact serves to magnify the threatening nature of the statements, rather than to mitigate it, particularly where the defendant's stipulated-to threats to get the Maryland delegate excommunicated for expressing support for transgender constituents escalated to the instant violent statements. *Cf. United States v. Corbett*, 374 F. App'x 372, 380-81 (4th Cir. 2010) (affirming defendant's conviction for threatening to assault a federal officer where defendant wrote a letter to his girlfriend noting that he wanted to use a box cutter to slice the face of the ATF agent working on his case and that he "want[ed] to see [the agent] bleed"; rejecting defendant's arguments that the letter was nothing more than "a graphic expression of contempt for what the



agent had done to the intended recipient of the letter” and that “making such statements was a form of therapy for him”; and concluding that the fact that the defendant and agent knew one another supported the recipient interpreting the statements as a threat). Indeed, law enforcement learned of these threats because the recipients did in fact feel threatened, and the Maryland delegate has written a letter to the Court explaining how and why he felt deeply threatened.

Finally, the defendant intentionally selected the delegates as his victims because of the gender, gender identity, and sexual orientation of the people and constituents for whom the delegates have expressed support. Earlier that same year, the Maryland state delegate posted in support of “all my trans friends,” and the defendant wrote to him that the defendant had “begun the formal process of getting [him] excommunicated” because the delegate was going “to war against the Church in the policies [he] support[s].” The same night that the delegate was elected, the defendant revisited this idea that the delegate was on the opposing side of a war because the delegate supported people like those in the trans community, calling him a “bitch baby killer” and “baby killing terroist [sic].” The defendant’s bias motivation is the throughline in his escalating threats to the Maryland state delegate. Likewise, the defendant has admitted that he intentionally selected the Virginia state delegate and her “faggot ass campaign staff” as the victims of his email because of the actual and perceived gender, gender identity, and sexual orientation of the people and constituents for whom the Virginia delegate has expressed support, and his own words in the threatening communications establish that this is the case. ECF 29, Attachment A, p.3.

Thus, the defendant’s communications to the state delegates constitute two additional violations of 18 U.S.C. § 875(c). Accordingly, the PSR properly included a 3-level increase under U.S.S.G. § 3D1.4A and determined that the defendant’s guidelines range, after factoring in acceptance of responsibility, is 18-24 months’ imprisonment.

#### **IV. SENTENCING RECOMMENDATION**

When fashioning an appropriate sentence for a defendant, a court must first consider the applicable guideline range under 18 U.S.C. § 3553(a)(4). Although the sentencing guidelines are advisory, they are the “starting point and the initial benchmark” for federal sentencing. *United States v. Hernandez*, 603 F.3d 267, 270 (4th Cir. 2010) (quoting *Gall v. United States*, 552 U.S. 38, 49 (2007)). Once a court has determined the appropriate sentencing range, it must then consider that range in light of the other relevant § 3553(a) factors.

In order to arrive at an appropriate sentence, the Court must consider several factors, including: (1) the nature and circumstances of the offense; (2) the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, and provide just punishment; (3) the history and characteristics of the defendant; and (4) adequate deterrence of criminal conduct and the protection of the public. 18 U.S.C. § 3553(a). Section 3553(a) then requires the Court to “impose a sentence sufficient, but not greater than necessary, to comply” with these purposes. *Id.* Consideration of the § 3553(a) factors here demonstrates that a sentence within the guidelines range is insufficient to reflect the seriousness of the defendant’s conduct and to protect the public from the defendant, and that a sentence of 4 years’ imprisonment is warranted.

##### **a. Nature and seriousness of the offense**

A bias-motivated crime such as this one devastates not only the victim who directly saw or heard the threat, but it also victimizes entire families and communities by instilling fear that they too could be targeted because of their gender, gender identity, or sexual orientation, or that of people they support. A psychotherapist on the Board of Directors at the targeted advocacy organization has written a letter to the Court explaining the fear that her children experienced when they heard about the defendant’s threats to the organization, and their recurring fear that she was

not safe when she attended board meetings. The chief of staff of the advocacy organization has written a letter to the Court emphasizing the toll that such threats of violence take on team members—including, specifically, the defendant’s threats: “We’ll cut your throats .... Put a bullet in your head ... You’re going to kill us? We’re going to kill you 10 times more in full.” The defendant’s threats had a very real impact on those who work at the advocacy organization.

Similarly, the defendant’s threatening messages to the state delegates took a very real toll on them. The Maryland state delegate wrote to the Court that after he received the defendant’s threats, “I took steps to protect myself and my family, including changing the public mailing addresses on my campaign website and social media. I stopped posting photos of my home and neighborhood. I was careful not to advertise when I would be out of town or if I would be attending certain events ahead of time. My wife and family have had to do the same.” The delegate’s personal knowledge of the defendant exacerbated the threatening nature of the messages: the delegate knew that the defendant was “the proud owner of an AK-47-style assault rifle” and that the defendant was not just an online troll but “someone with the means to inflict violence on others, someone who hates the LGBTQ community and their allies, someone who resolutely believes he is a member of an oppressed class and that he would be justified in perpetrating violence, and someone who could locate me and my family.” The Virginia state delegate—who had never met the defendant, but received his message that she should be “shot and hung in the streets” solely because of who she is and what her views are about transgender people—felt so threatened that she contacted the police department and has installed a new security system with cameras at her home in response to the defendant’s threats, as documented in an FD-302 summary report attached as **Attachment A**.

Because of the defendant’s threats, employees of the advocacy organization, the two state

delegates, and their families and loved ones have had to worry about whether they are safe at work and at home because of the protected characteristics of the constituents they support. Because of the defendant's threats, what should have been times of celebration—for the advocacy organization, the week marking Transgender Visibility, and for the Maryland state delegate, his election night—turned into times of fear. The defendant's sentence must reflect the seriousness of his bias-motivated offense.

**b. Respect for the law, just punishment, and protection of the public**

A significant custodial sentence is also necessary to promote respect for the law and to provide just punishment for the offense. A lesser sentence would send the message that gender identity-motivated threats are not deserving of the sanction that Congress and the Sentencing Commission have deemed to be just punishment based on the federal courts' collective sentencing expertise accumulated over the decades.

Additionally, a significant custodial sentence is necessary because the defendant remains a danger to the public. As detailed below, the defendant views himself as fighting a war where there is a need for eye-for-an-eye justice against "liberals and faggots."

**c. The defendant's history and characteristics**

Finally, the defendant's history and characteristics weigh heavily in favor of a sentence of 4 years' imprisonment. The charged conduct is not a one-off or outlier behavior; the defendant has a demonstrated history and pattern of expressing hatred toward the LGBTQ community and a desire to kill them and anyone he perceives as on the opposing side of what he sees as a war against Christian men. Disturbingly, as discussed further below, since the defendant was arrested in this case he continues to view the world through this distorted and violent lens.

The day after the defendant threatened the advocacy organization, he sent the following

text message to his mother, revealing that his headspace around the time of his threats was that he was “ready to die against these terrorists”:

DATE	FROM	TO	MESSAGE
3/29/23	Nettina	Mother	<b>I’ve been very affected by the Nashville shooting. There is a warm [sic] coming.</b> I won’t bring it to you all or into this house and won’t speak of it. But I will go to it when I’m called. <b>I’m ready to die against these terrorists.</b>
3/29/23	Mother	Nettina	Will pray pray pray it doesn’t come to that.

In the month leading up to his threats, the defendant blamed his parents for his state of mind and difficulties with his girlfriend:

DATE	FROM	TO	MESSAGE
2/25/23	Nettina	Mother	Why couldn’t you’ll and dad lay off me this past year. You two were so hard on me
2/25/23	Nettina	Mother	I just needed everyone to be easier on me
2/25/23	Nettina	Mother	Answer me
2/25/23	Mother	Nettina	I didn’t think we were. I am sorry.
2/25/23	Nettina	Mother	She was all thatl mattered
2/25/23	Nettina	Mother	I just wish you two would have helped me
2/25/23	Nettina	Mother	Why don’t you answer me

DATE	FROM	TO	MESSAGE
2/25/23	Nettina	Mother	You ruined my fucking life and can't even buy food I like to have around when I'm sick
2/25/23	Mother	Nettina	Talk about it when you get home. Let me know what food you want me to buy. I have asked.
2/25/23	Nettina	Mother	You two have ruined me fucking life. I have no intention of getting a job nor do I have an intention of leaving your house

The defendant's text messages in the year leading up to his threats reveal his fervent belief that there is a war against him and other white Christian men, that gay and transgender people are among those on the opposing side in that war, and that such a war justifies his committing acts of violence and murder.

DATE	FROM	TO	MESSAGE
11/14/22	Nettina	Friend	I'd love to get put of politics but as long as [girlfriend] might still be in the picture I can't give up 100k salary
11/14/22	Nettina	Friend	<b>I could kill someone most likely</b>
11/14/22	Friend	Nettina	Makes sense
11/14/22	Friend	Nettina	I think you're horribly stressed out
11/14/22	Nettina	Friend	Yeah. I really hate working in politics. I hate the news. But I've got no skill or resume outside this at this point
11/14/22	Nettina	Friend	Definitely trapped

DATE	FROM	TO	MESSAGE
11/14/22	Nettina	Friend	But I also recognize America is pretty much gone
11/14/22	Nettina	Friend	Like, only a matter of time until we go to jail for pronouns
11/14/22	Friend	Nettina	Yea, I pretty much hate too many people
11/14/22	Friend	Nettina	Lol one of my coworkers (I think she's African) said her troon <sup>3</sup> coworker was pissing her off, she she wanted to misgender him on purpose lol. I told her she'd get crucified lol
11/14/22	Friend	Nettina	Everyone is retarded, despair is the hardest part for me
11/14/22	Nettina	Friend	That's hard for me as well. <b>I do generally think of killing these people though. Sometimes I think I'll snap</b> if I don't just get away from it

A few days prior, Nettina texted that same friend about killing a "random dem":

DATE	FROM	TO	MESSAGE
11/9/22	Nettina	Friend	<b>Time to consider murdering the other side</b>
11/9/22	Nettina	Friend	<b>I don't really see any other recourse</b>
			...
11/9/22	Friend	Nettina	Woke up, read tweets; people are pissed. Damn fettermen won
11/9/22	Nettina	Friend	<b>I'm at this point, I want to find a random dem and kill them</b>

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3 "Troon" is a derogatory term for a transgender person.

DATE	FROM	TO	MESSAGE
11/9/22	Friend	Nettina	It's worthless, they're so self destructive. Let someone mugging them do it
11/9/22	Nettina	Friend	Yeah hopefully.

In July 2022, Nettina texted his mother about his desire “to kill a bunch of liberals or atheists and then go out swinging”:

DATE	FROM	TO	MESSAGE
7/22/22	Nettina	Mother	I just hate my life right now
7/22/22	Nettina	Mother	<b>I just want to kill</b>
7/22/22	Nettina	Mother	<b>I just want to kill a bunch of liberals or atheists and then go out swinging</b>
7/22/22	Nettina	Mother	There is nothing anymore worth living for
7/22/22	Mother	Nettina	Stop that talk and those thoughts. It will lead you to hell.
7/22/22	Nettina	Mother	There's nothing worth living for. I'm all out of spirit and life

Three hours later, Nettina made plans to meet up with his mother for a beer and texted his mother the following after apparently seeing that the establishment had a gay pride flag outside:

DATE	FROM	TO	MESSAGE
7/22/22	Mother	Nettina	We are just heading down now. Can we meet you somewhere?
7/22/22	Nettina	Mother	Whoever you'd like is fine I left from brewing tree
7/22/22	Nettina	Mother	[provided name of establishment]
7/22/22	Nettina	Mother	Okay
7/22/22	Mother	Nettina	Be there in 15 min. Let us buy you a beer.
7/22/22	Mother	Nettina	We are here



DATE	FROM	TO	MESSAGE
7/22/22	Nettina	Mother	<b>I'm not having a beer with a place with a faggot flag</b>
7/22/22	Nettina	Mother	<b>Fuck them they're lucky I dont shoot them up</b>
7/22/22	Nettina	Mother	<b>I'll kill these dumb fuckers</b>
7/22/22	Mother	Nettina	Stop it.
7/22/22	Nettina	Mother	<b>I won't. When no one is around around someday I'm gonna set that place on fire</b>
7/22/22	Nettina	Mother	<b>They're destroying America. I hope your comfort means a lot to you</b>
7/22/22	Nettina	Mother	<b>You enable them</b>
7/22/22	Nettina	Mother	<b>Stop before youre dragged to hell</b>
7/22/22	Nettina	Mother	<b>Fuck them. I'm gonna a burn that fucker down</b>
7/22/22	Nettina	Mother	<b>You'll go to hell</b>
7/22/22	Nettina	Mother	<b>You will go to hell</b>
7/22/22	Nettina	Mother	<b>God forgives no traitors</b>
7/22/22	Nettina	Mother	<b>Turn away from. That place or face the consequences of hell</b>

Earlier that month, Nettina texted his father about his plan to “massacre a bunch [of] liberals and faggots before I take myself out”:

DATE	FROM	TO	MESSAGE
7/12/22	Nettina	Father	I've decided to kill myself at noon today. Goodbye. I'm sorry
7/12/22	Father	Nettina	Well that would be horrible and hurt people close to you- - what would case u to want to do something like that
7/12/22	Nettina	Father	I can't commit to this decision. I feel so

DATE	FROM	TO	MESSAGE
			much fucking pressure because of [name of current girlfriend] and her debt and schedule
7/12/22	Nettina	Father	Please help me
7/12/22	Nettina	Father	Please help me
7/12/22	Nettina	Father	I no longer believe
7/12/22	Nettina	Father	I no longer wish to be in this world
7/12/22	Nettina	Father	Today is the day
7/12/22	Nettina	Father	I'm so sorry
7/12/22	Nettina	Father	I just can't go on and I need to end this all
7/12/22	Father	Nettina	You need to calm down – the debt, the schedule is all stuff you can work through – I'm here to help but you also need to agree to get help
			...
7/12/22	Father	Nettina	Get some help – you'll feel relief and get a better perspective
7/12/22	Nettina	Father	<b>I already see a counselor</b>
7/12/22	Nettina	Father	<b>It isn't enough to carry me through the pain I feel every single day</b>
7/12/22	Father	Nettina	About what's troubling you ?
7/12/22	Nettina	Father	I am troubled by everything.
7/12/22	Father	Nettina	That's pretty sad – does the counselor know that ?
7/12/22	Nettina	Father	Keep making fun of me. Keep saying I don't measure up. <b>Keep at it ill blow my head off in 36 minutes like I said I would</b>
7/12/22	Father	Nettina	I'm not making fun of you – I'm trying to

DATE	FROM	TO	MESSAGE
			reach you but you're pretty stubborn
7/12/22	Father	Nettina	Would you agree to both of us meeting the counselor? Maybe they can help me better support you
7/12/22	Nettina	Father	No thank you.
7/12/22	Nettina	Father	I am dying
7/12/22	Nettina	Father	Now hearing about arsonists burning churches in Maryland <b>decided to go massacre a bunch of liberals and faggots before I take myself out</b>
7/12/22	Father	Nettina	Don't do it – I'll call the police – Christ doesn't want us acting like them – they'll get their do plus they hurt their cause more than help it
7/12/22	Nettina	Father	They omit violence at will with no consequences
7/12/22	Father	Nettina	If you have intentions to vomit violence I'll call the police – knock it off
7/12/22	Nettina	Father	I can't make this decision, <b>Christians are being attacked across the country and my God is leaving me. I have nothing to fucking live for</b>
7/12/22	Father	Nettina	People of faith, people of color or ethnicity have been attacked throughout history and the good ones respond by still being faithful to their faith or

DATE	FROM	TO	MESSAGE
			ethnicity – strong character always wins
7/12/22	Nettina	Father	Lol these people aren't even being looked for by police. I don't believe you
7/12/22	Nettina	Father	They are getting away with it
7/12/22	Father	Nettina	That doesn't justify violence against anyone – ever – get off this

Unsurprisingly, the three offenses before the Court's attention are not the defendant's first threats. The defendant has been kicked off of multiple social media platforms. Additionally, in June 2022, the defendant texted his father about the defendant's threat to kill a writer and his desire to behead an atheist:

DATE	FROM	TO	MESSAGE
6/15/22	Nettina	Father	A sports illustrated writer wrote a peice inciting violence against Christians. <b>I said I'd kill him.</b> Guess I've going to jail soon because his buddies all messaged me saying I was a hypocrite. Atheists fucks. <b>I've al ways wanted to cut an atheists head off and how it in the streets</b>
6/15/22	Father	Nettina	You're better than that – you've got to calm down and stop letting stuff like this get under your skin – <b>threatening people is bad stuff and you know it</b>

In May 2022, Nettina texted his girlfriend about his “desire to fight back”:

DATE	FROM	TO	MESSAGE
5/11/22	Nettina	Girlfriend	I met my dad's cousin tonight. He is an evangelical pastor in Nashville who runs a worship music school ype thing. He invited us down whenever we want. They have several kids from are age to 10.
5/11/22	Nettina	Girlfriend	Also babe. <b>I'm really struggling with my desire to fight back.</b> The group that firebombed that pregnancy center said they'd kill pro life people and <b>this is a war. I'm struggling to not articulate my feelings and act on my desire to stop that through any means possible</b>
5/11/22	Girlfriend	Nettina	Good morning. that's really cool about your cousin. That would be neat.
5/11/22	Girlfriend	Nettina	I really appreciate how you articulated your struggle and how you are resisting to stop these horrible things through any means possible. That was so vulnerable and I've always really admired that ability in you as a person and a partner.  They are terrorists what they are doing is absolutely horrific. I'm outraged with you. I wonder if there is something else we or you could do that

DATE	FROM	TO	MESSAGE
			might make you feel like you're still doing something to fight this fight. I am praying for you every day, for wisdom, prudence, temperance, peace, and courage. I know how hard it is for you to not strike back immediately.

Earlier that month, Nettina texted his girlfriend about wanting to kill a girl he overheard talking about not believing in God, and his plan to take his gun with him while he confronted her friends:

DATE	FROM	TO	MESSAGE
5/3/22	Nettina	Girlfriend	Good morning love
5/3/22	Nettina	Girlfriend	A girl just walked by my porch saying, this Jesus thing is stupid. It's dumb to believe in God at all.
5/3/22	Nettina	Girlfriend	Young maybe early 20s.
5/3/22	Nettina	Girlfriend	I am so mad. <b>I hate people like this.</b>
5/3/22	Nettina	Girlfriend	<b>I wanted to kill her</b>
5/3/22	Nettina	Girlfriend	I'm sorry. <b>I know that scares you.</b>
5/3/22	Girlfriend	Nettina	That would make me really mad too. Apparently she's so well educated about stupid things that the best thing she can come up with is "that Jesus thing."
5/3/22	Girlfriend	Nettina	It does scare me when you say you wanted to kill her.
5/3/22	Nettina	Girlfriend	Her and her friends are working out outside. Muscular fit young 20 somethings. <b>I want to go confront them about how hateful</b>

DATE	FROM	TO	MESSAGE
			<b>they are but know they'd get aggressive so I'm going to grab my gun just I'm case.</b>
5/3/22	Girlfriend	Nettina	In case of what? What are you going to do?
5/3/22	Nettina	Girlfriend	<b>If they get aggressive I'm going to defend myself</b>
5/3/22	Nettina	Girlfriend	<b>They don't have the right to spread hate and attack people of faith</b>
5/3/22	Girlfriend	Nettina	It sounds to me like you're already approaching it like a fight. This whole situation scares me and makes me worry about the future
5/3/22	Nettina	Girlfriend	<b>I'm sorry. I'm sorry. I can't help what I feel towards the enemies of God and all that is good.</b>
5/3/22	Girlfriend	Nettina	It sounds like they're not the only ones with hate in their hearts
5/3/22	Girlfriend	Nettina	Having feelings is very different than grabbing your gun and walking over to a bunch of ignorant 20 somethings who are working out
5/3/22	Girlfriend	Nettina	This behavior, not you feelings, scares me and makes me worry about our future.
5/3/22	Nettina	Girlfriend	I have not done anything.
5/3/22	Nettina	Girlfriend	<b>Most catholic men would back down and let themselves get walked over. Sorry you're not dating one of those</b>

DATE	FROM	TO	MESSAGE
5/3/22	Nettina	Girlfriend	... <b>Im sorry I feel hate for people who are the enemies of God.</b>

This is a defendant who repeatedly tells his mother that she is “going to hell” for eating at a restaurant with a gay pride flag and that he “just want[s] to kill a bunch of liberals or atheists and then go out swinging”; who tells his father he has “decided to go massacre a bunch [of] liberals and faggots before [he] take[s him] self out”; and who tells his girlfriend about his desire to approach with his firearm a group of 20-somethings who were working out nearby because he “feel[s] hate for people who are the enemies of God.” The defendant cannot be more clear: he obsesses about killing others, particularly “liberals and faggots,” before killing himself.

The defendant’s loved ones are not able to control him, nor should the burden of doing so fall on them. In a letter to the defendant on November 16, 2022, the defendant’s girlfriend wrote, “I saw how anxious I was becoming worrying about saying or doing something to provoke criticism or anxiety. I am even anxious about the repercussions for writing this. I am trying to talk myself through it right now but I still am battling anxious thoughts that say, ‘Will this be perceived as an attack? I don’t want to come across like that. I want him to feel loved. Will I be verbally or emotionally punched in retaliation?’” His girlfriend emphasized, “[Y]ou had the power to make me feel unsafe.” She explained: “I am still very afraid imagining that one day my boyfriend might be violent if someone with a liberal ideology is in the same room. Sometimes I read your posts and I am afraid.”

When the defendant feels like there is a war going on and he is oppressed, he responds with the instinct to “strike back” and commit violence. The defendant’s bias motivation and his belief that he is oppressed and there is a war against him persist, as demonstrated in his jail calls. The



relevant jail calls are as follows:

- On August 22, 2023, the defendant remarked, “Hey [the first and last name of the assigned AUSA], fuck you bitch.”;
- On August 13, 2023, the defendant told his father: “Sometimes if you harass people, you make threats. And the Left started it.”;
- On July 31, 2023, the defendant told his father that the Bible says “an eye for an eye,” and that “if [the government] isn’t enforcing laws equally, then people are going to have to do something about it.”;
- On July 25, 2023, the defendant told his father to call the FBI agent and say, “You’re a liar and a manipulator, screw you.”;
- On July 22, 2023, the defendant told his father that his life is a wreck because of “a liar named [first and last name of assigned FBI agent]”;
- That same day, the defendant told his girlfriend that the assigned FBI agent “is anti-Catholic, rapes little kids, and is incredibly biased”;
- That same day, the defendant told his father that everything that is happening stems from “the Dobbs Act” and inciting violence against Catholics;
- On July 20, 2023, the defendant told his father that he did not start saying things until Biden took office, he studied the Spanish civil war, and he saw that the left wing in America was starting a war;
- On June 13, 2023, the defendant told his father that he “hopes the FBI doesn’t come and shoot us, it is what they want,” and “that stupid FBI agent on the stand, that dumb piece of shit, jerks, they created this, they allowed violence to spiral”;
- On June 29, 2023, the defendant told his father that he needs the people in his life

to find out more about the people prosecuting him; that he needs to know more about [first and last name of assigned trial attorney], who she gave money to, and who she voted for; that the Civil Rights Division hates Christians; and that the assigned FBI agent is “a terrorist agent who was enjoying my takedown”;

- The same day, the defendant told his girlfriend that he made threats because he was “goaded into it”;
- The next day, the defendant told his father that “radical trans people” were “goaded [him]” online;
- On June 2, 2023, the defendant told his father, “The FBI shits are Gestapo. We have every right to hate and dislike these people.”
- On May 24, 2023, the defendant told his father that he hates the government for what they have done to him and that “you only hate because we are experiencing hate”;
- On May 22, 2023, the defendant told his father that he dislikes the FBI and has dreams about people smirking at him in court or shooting him in the head, and that the government does not like “our people”;
- On May 18, 2023, the defendant told his mother that the lawyers from the advocacy organization are conspiring with the AUSA and that all FBI agents are ANTIFA;
- On May 17, 2023, the defendant told his father that the FBI wants to kill him.

The defendant’s threats in this case were not idle fantasies that he let slip in an uncharacteristic moment. The defendant has consistently expressed his desire to strike back against those he views as being against him and the Catholic Church, including the LGBTQ community, and the defendant had the means of doing so through his many firearms.


The parties have agreed to recommend to the Court that the defendant also receive three years of supervised release as well as certain mental health treatment and other behavioral conditions, ECF 29 at p.7 ¶¶ 12-13, and the PSR incorporates those conditions and adds several more, ECF 33 at p.20-21. Nevertheless, in the defendant's own words in July 2022, "I already see a counselor. It isn't enough to carry me through the pain I feel every single day" – pain that makes the defendant desperately want to "massacre a bunch [of] liberals and faggots before I take myself out." The defendant remains a danger to the public, and his history and characteristics urge that he receive a sentence of 4 years' imprisonment.


**V. CONCLUSION**

For the reasons set forth above, the United States requests that the defendant be sentenced to 4 years' imprisonment and three years supervised release, to include mental health treatment.

Respectfully submitted,

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